

## Procedures for the Engagement of Professionals in Chapter 11 Cases

### FOR ATLANTA & NEWNAN CASES

#### I. Professionals Engaged by Debtor at Commencement of Case

In a Chapter 11 case, one matter that must be addressed early on is the engagement by the Debtor of professionals, including bankruptcy counsel, accountants, financial advisors and other professionals.

It is important to have these relationships vetted and approved promptly for the benefit of the Debtor, the professionals, and the other parties interested in the case. Early engagement benefits the professionals, who can then be sure of their role in the case and their ability to seek compensation for work performed. It is also beneficial for the Debtor and the other interested parties, who can be sure that the professionals selected by the Debtor do not have conflicts or other impediments to service.

To facilitate this early engagement, the Debtor should file applications under 11 U.S.C. § 327 and Federal Rule of Bankruptcy Procedure (FRBP) 2014 with the petition where possible and otherwise promptly thereafter. For professionals engaged at the commencement of the case, the application should request that the professional be engaged *nunc pro tunc* to the petition date unless retroactive engagement would be inappropriate. The application must be served on the United States Trustee, and should be served on any lenders with an interest in all or substantially all of the Debtor's assets, any party that has filed a notice of appearance or request for notices in the case as of the date of the filing of the application, and the twenty largest unsecured creditors on the list filed by the Debtor pursuant to FRBP 1007(d)(thirty largest in a Complex Chapter 11 Case as defined in General Order 26-2019).

#### II. Procedures

With respect to each application to employ a professional that is filed, the party engaging the professional may proceed in any of the following ways: (i) utilize the Court's voluntary notice procedure set forth in General Order 24-2018, (ii) set the application for hearing at least twenty-one (21) days after it is filed using the Court's Open Calendar Procedures, or (iii) utilize the procedure described below.

1. At least twenty-one (21) days after the filing of the petition, counsel may upload an order, substantially in the form attached to these procedures as Exhibit A, granting the application subject to objection.<sup>1</sup>
2. Provided that the application satisfies the requirements of 11 U.S.C. § 327(a) and FRBP 2014, the Court will enter the submitted proposed order in the ordinary course.
3. If the Court finds that the application or the applicant may not comply with 11 U.S.C. § 327(a) and FRBP 2014, the Court may set the application for a hearing instead of entering the submitted proposed order.

#### III. Professionals Engaged by Debtor After Commencement, by Committee or by Trustee

Any of the procedures set forth in II above may also be used with regard to professionals that the Debtor determines it needs to engage after the commencement of the case, and with regard to professionals to be engaged by an official committee or by a trustee appointed in the case. All applications should be filed promptly upon the engagement of the professional.

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<sup>1</sup> Federal Rule of Bankruptcy Procedure 6003(a) prevents the Court from entering an order approving an application under Federal Rule of Bankruptcy Procedure 2014 within the first 21 days of the case.

**Exhibit A to Procedures for Engagement  
of Professionals in Chapter 11 Cases  
(Form of Proposed Order)**

[Four inch top margin required for a CM/ECF Order]

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION

	)	Chapter 11
	)	
In re [Debtor's Name],	)	Case No. _____
	)	
Debtor.	)	Judge _____
_____	)	

**ORDER APPROVING APPLICATION  
OF PROFESSIONAL, SUBJECT TO OBJECTION**

[Debtor/Committee/Trustee] filed on [date](Docket No.) an application to employ [name of professional organization](the "Applicant") as [type of professional] for [Debtor/Committee/Trustee] in this case (the "Application"). No hearing is necessary on the Application absent the filing of an objection to it. Pursuant to a certificate of service filed with or attached to the Application, the Application has been served on the United States Trustee as required by Federal Rule of Bankruptcy Procedure 2014, and on [other parties served with Application]. No further service of the Application is necessary.

The Application and accompanying affidavit of [name of affiant] demonstrate preliminarily that the Applicant [is/are] [attorneys qualified to practice in this Court, for attorneys] and [is/are] disinterested. Accordingly, it is hereby

ORDERED that, pursuant to 11 U.S.C. § 327 and Federal Rule of Bankruptcy Procedure 2014, the Application is **GRANTED**, and [Debtor/Committee/Trustee] is authorized to employ the Applicant as its [type of professional] during the Debtor's Chapter 11 case, subject to objection as provided for herein; and it is further

ORDERED that compensation may be paid and expenses reimbursed to the Applicant only pursuant to an application filed and approved by this Court pursuant to 11 U.S.C. §§ 330, 331 and Federal Rule of Bankruptcy Procedure 2016, unless the Court orders otherwise; and it is further

ORDERED that any party in interest shall have twenty-one (21) days from the service of this Order to file an objection to the Application and/or the relief provided in this Order; and it is further

ORDERED that if an objection is timely filed counsel for the Debtor will set the Application and all such objections for hearing pursuant to the Court's Open Calendar Procedures; and it is further

ORDERED that if no objection to this Order is timely filed, this Order shall be a final Order approving the Application; and it is further

ORDERED that Applicant shall, within three (3) days of the entry of this Order, cause a copy of this Order to be served by first class mail, postage prepaid, on all parties served with the Application, and shall file promptly thereafter a certificate of service confirming such service.

[END OF DOCUMENT]

Prepared and presented by:

[signature block for presenter]

## **DISTRIBUTION LIST**